

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495

ATTN: Kate Stenberg, Project Manager

Public Notice Date: May 25, 2005 Expiration Date: June 25, 2005

Reference: 200401241
Name: Washington State
Dept. of Transportation

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT: Washington State Dept. of Transportation

Post Office Box 330310

Seattle, Washington 98133-9710

ATTN: Mr. Ben Brown Telephone: (206) 440-4528

LOCATION: In wetlands in and near the Cities of Auburn, Kent, and Renton, in King County, Washington.

WORK: The project on SR 167 between Algona and Renton proposes to construct a high occupancy vehicle (HOV) lane between 15th St. SW and 15th St. NW, an on-ramp HOV bypass, and off-ramp taper corrections at several interchanges on SR 167 between Auburn and Renton. The project, as depicted on the attached drawings, would permanently impact 17 wetlands totaling 2.51 acres and temporarily impact 13 wetlands totaling 1.4 acres of wetlands. Reviewers should note that there are seven locations where stormwater outfall pipes are placed in wetlands and these locations, which are currently shown as temporary impacts on the drawings, are more likely to be determined to be a combination of permanent and temporary impacts. Wetlands permanently impacted include 1.44 acres of palustrine emergent wetlands, 0.53 acres of palustrine scrub/shrub wetlands, and 0.54 acres of palustrine forested wetlands.

The project will also impact two streams, totaling 0.22 acres. Impacts to a tributary to Garrison Creek total 0.01 acres of fill due to three new bridge columns required for the widening of the southbound on-ramp and shading from the wider bridge. An unnamed creek at the South180th Street northbound on-ramp will be relocated, resulting in 0.21 acres of stream impact. Two culverts under SR 167 associated with this unnamed creek will be extended 24 feet and 30 feet respectively. The area of impact associated with these culvert extensions has already been included in the wetland impact area. Also impacted would be 0.04 acres of roadside ditches dug in uplands that might be considered jurisdictional waters of the U.S. Reviewers are cautioned that the Corps has not made a jurisdictional determination on either the wetlands or the roadside ditches and the acreages shown on the attached drawings may vary slightly. The roadway design standards have been altered to minimize impacts to wetlands including the use of retaining walls, steeper roadway side slopes, and ecology embankments which eliminated the need for large roadside biofiltration swales to meet water quality standards.

<u>PURPOSE</u>: The purpose of the project is to relieve congestion, increase capacity, and provide a travel time advantage to transit and HOV traffic.

MITIGATION: The proposed mitigation site is located between SR 167 and the West Valley Highway south of 15th Street Northwest. It is adjacent to the existing mitigation site for SR 167 Stage 1A impacts. The draft mitigation plan proposes to restore 2.58 acres of degraded wetlands by removing fill material and restoring the hydrology and to enhance 2.24 acres of existing emergent wetlands dominated by reed canary grass. The goal of the mitigation plan is to result in 2.79 acres of palustrine scrub/shrub wetlands and 2.03 acres of palustrine forested wetlands. In addition, 0.74 acres of upland buffer are proposed to be enhanced. The U.S. Army Corps of Engineers will be evaluating the proposed mitigation plan to determine if it will provide adequate mitigation for project specific impacts.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The Puget Sound Chinook (*Oncorhynchus tshawytscha*), threatened, bull trout (*Salvelinus confluentus*), threatened, and Bald eagle (*Haliaeetus leucocephalus*), threatened, in the state of Washington, may occur in the proposed project area. Acting as a designated nonfederal lead, WSDOT has determined that the project will have no effect on Bald eagles because there are no known nesting or roosting areas within one mile of the project area. However, the project may affect, but is not likely to adversely affect Puget Sound Chinook and bull trout. The NMFS and the USFWS concurred with these determinations on September 7, 2004 and September 3, 2004, respectively.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action may adversely affect EFH for Pacific salmon in the project area. On September 7, 2004, NMFS concurred with this determination and did not make any conservation recommendations specific to EFH.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. An historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places were found to exist within the permit area. On March 2, 2005 the State Historic Preservation Office concurred with the finding of no historic properties affected. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

<u>PUBLIC HEARING:</u> Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

<u>EVALUATION</u>: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns,

200401241

wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

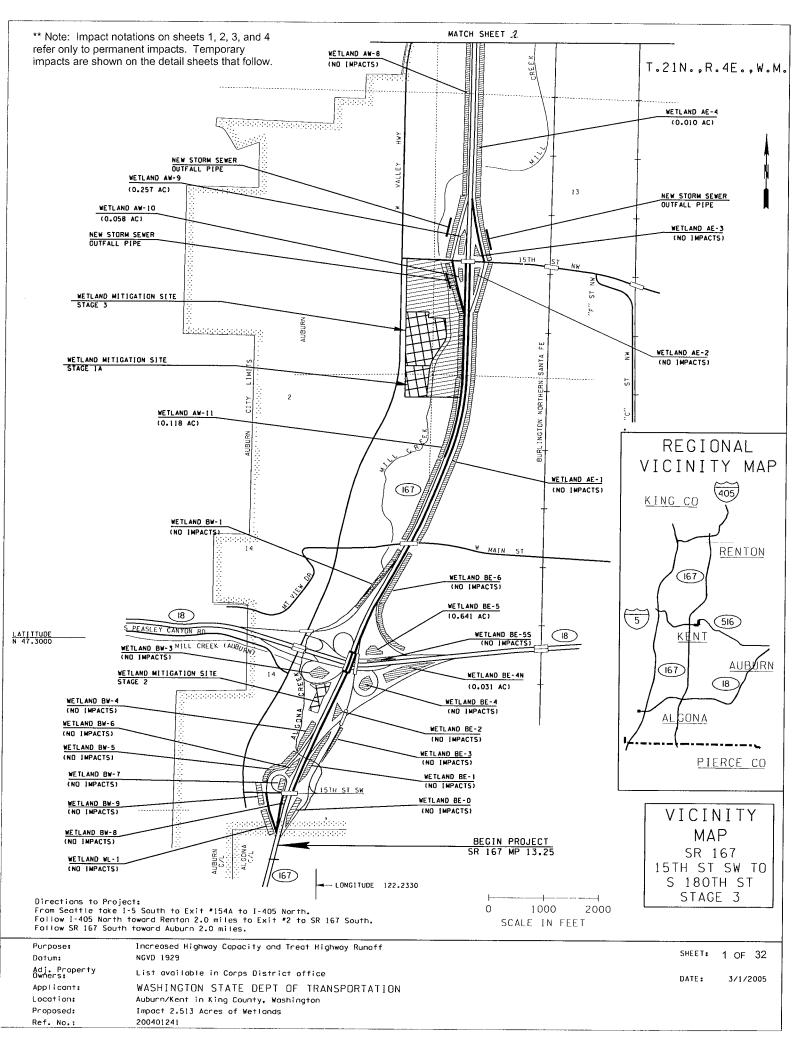
The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

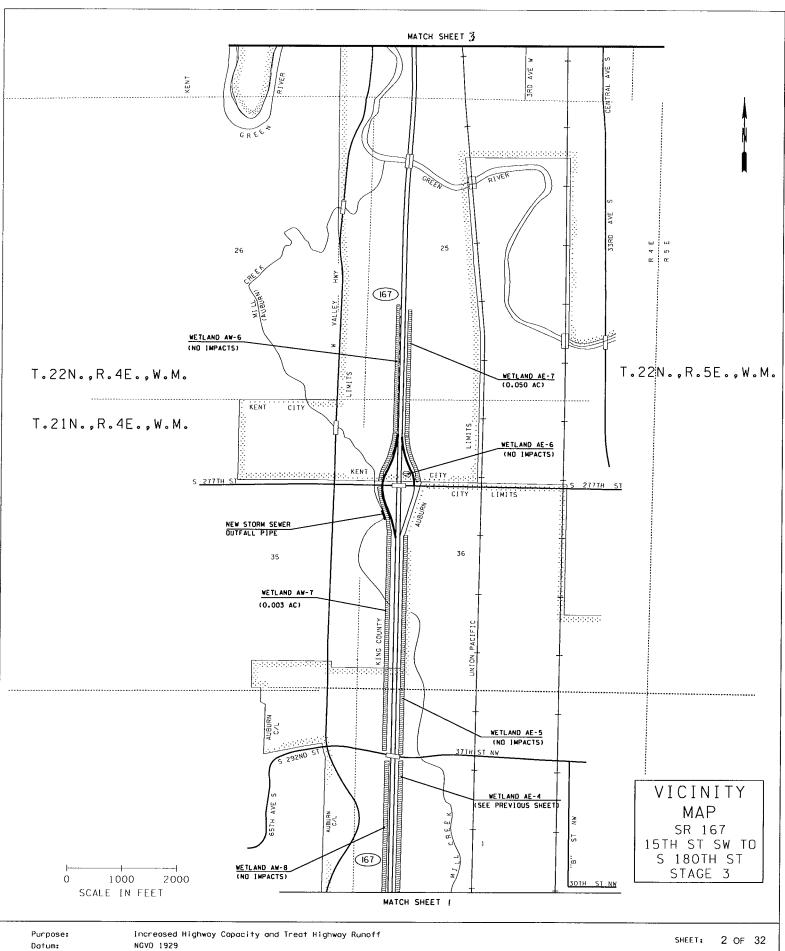
<u>ADDITIONAL EVALUATION</u>: The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to Kathryn.J.Stenberg@nws02.usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Washington State Dept. of Transportation, 200401241

Encl Drawings ()





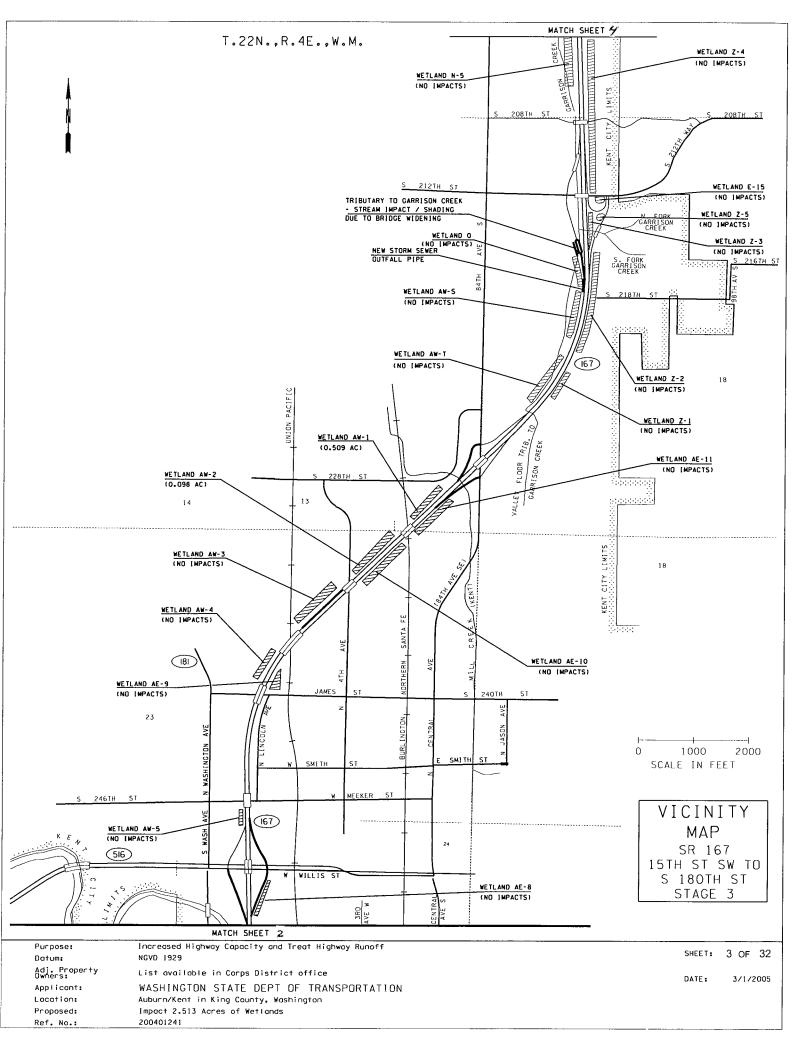
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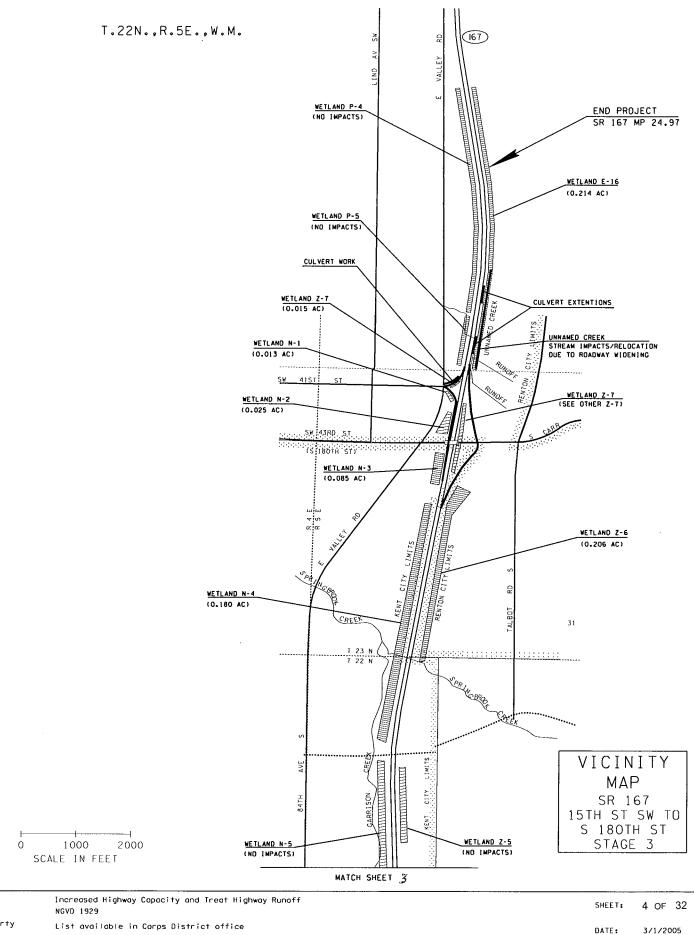
List available in Corps District office

Applicant: WASHINGTON STATE DEPT OF TRANSPORTATION Location: Auburn/Kent in King County, Washington

Proposed: 200401241 Ref. No.:

Impact 2.513 Acres of Wetlands





Purpose: Datum: Adj. Property Owners: Applicant:

Location:

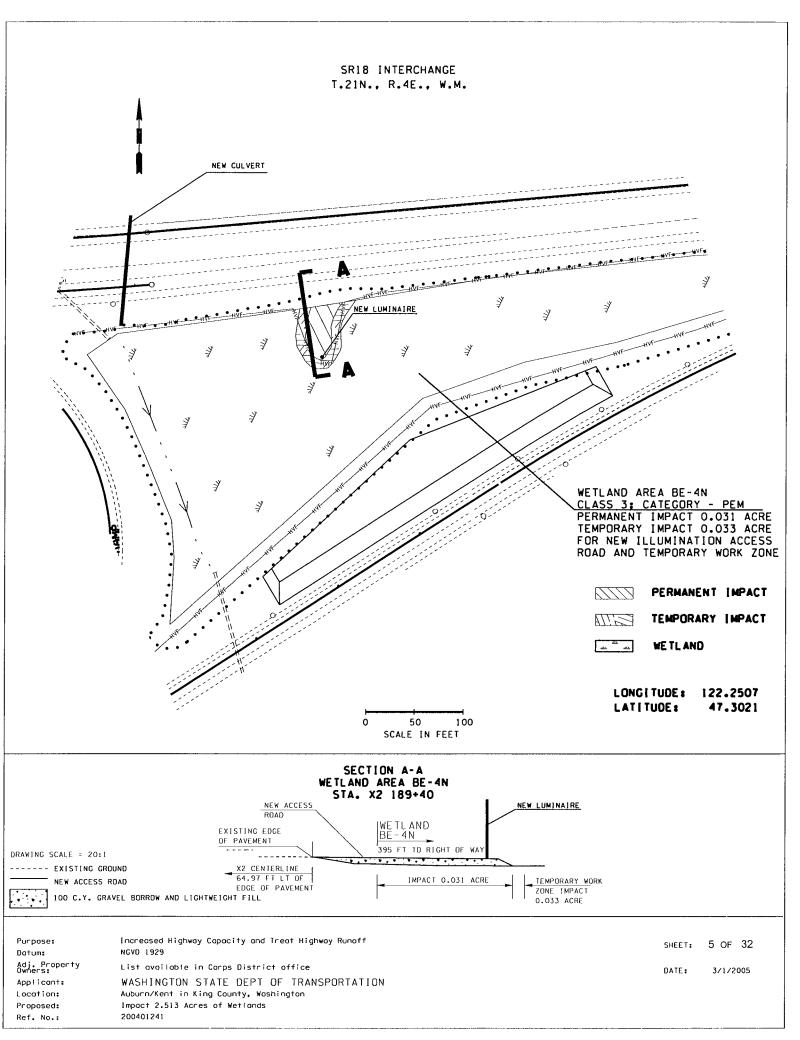
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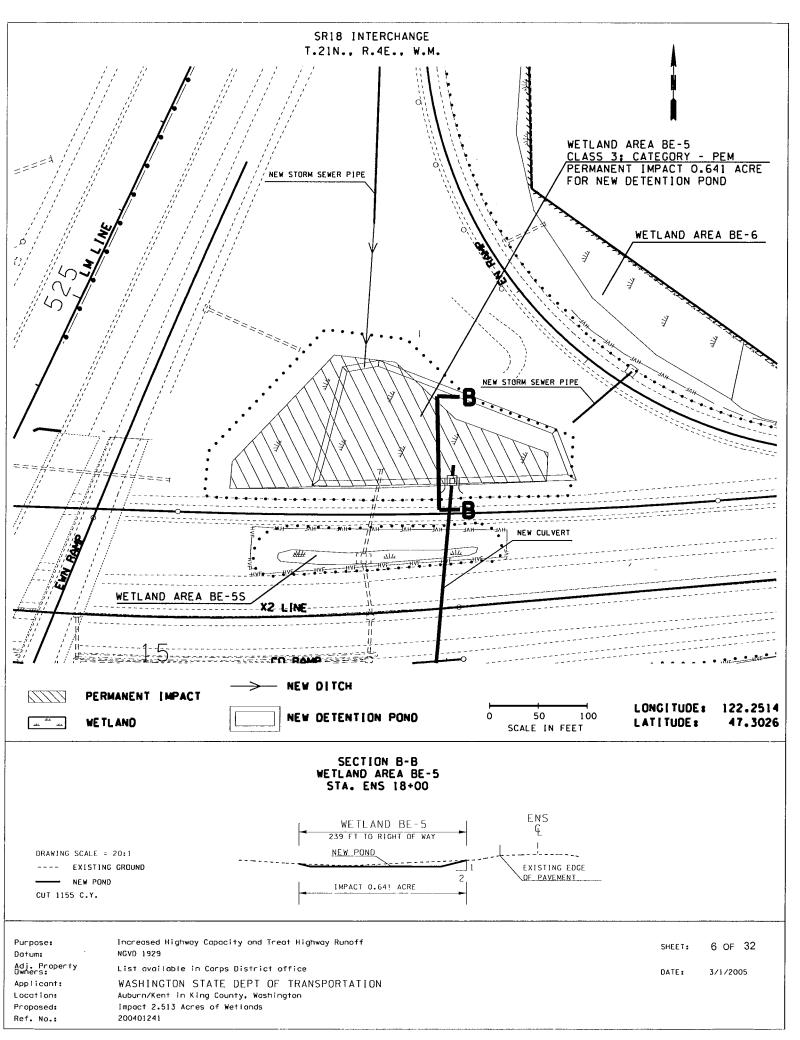
Ref. No.:

WASHINGTON STATE DEPT OF TRANSPORTATION

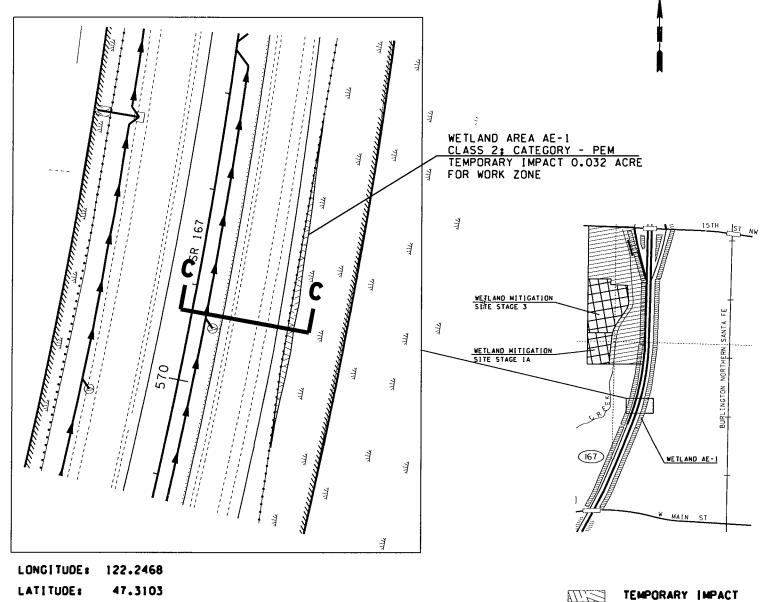
Auburn/Kent in King County, Washington Impact 2.513 Acres of Wetlands

200401241

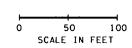




SR167 MAINLINE NORTHBOUND T.21N., R.4E., W.M.

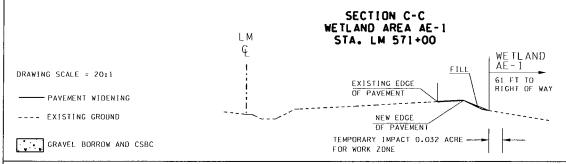


NOTE: WETLAND AE-1 EXTENDS BEYOND WSDOT RIGHT OF WAY.



WE TL AND

ECOLOGY EMBANKMENT



Purpose: Datum: Adj. Property Owners: Increased Highway Capacity and Treat Highway Runoff

NGVD 1929

List available in Corps District office

Applicant: Location: Auburn/Kent in King County, Washington

Proposed: Ref. No.:

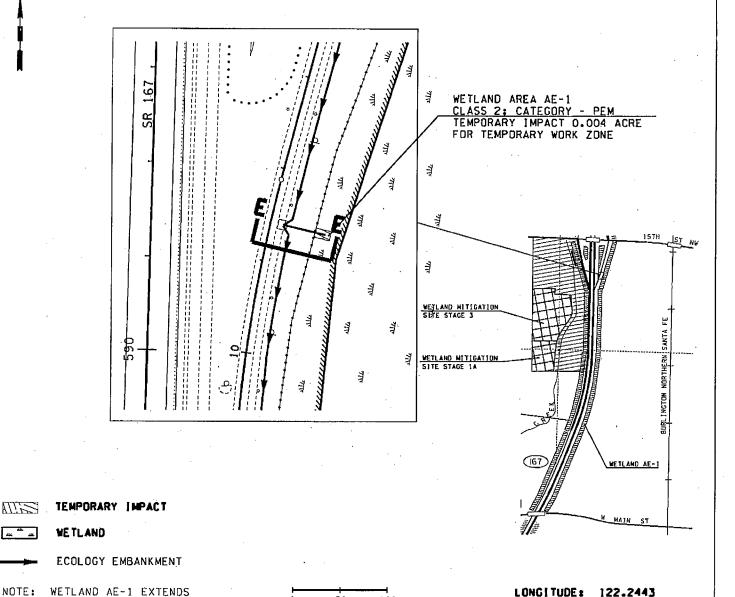
WASHINGTON STATE DEPT OF TRANSPORTATION

Impact 2.513 Acres of Wetlands

200401241

SHEET: 7 OF 32

SR167 AR2 RAMP AT 15TH STREET NW T. 21N., R.4E., W.M.

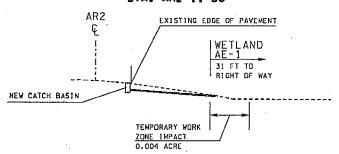


SECTION E-E WETLAND AREA AE-1 STA. AR2 11+50

50

SCALE IN FEET

100



DRAWING SCALE = 20:1 - NEW STORM SEWER PIPE

---- EXISTING GROUND

Increased Highway Capacity and Treat Highway Runoff NGVD 1929 Datum:

Adj. Property Owners: List available in Carps Bistrict office

WASHINGTON STATE DEPT OF TRANSPORTATION Applicant:

Location: Auburn/Kent in King County, Woshington

Proposed: Impact 2.513 Acres of Wetlands 200401241 Ref. No.:

BEYOND WSDOT RIGHT OF WAY.

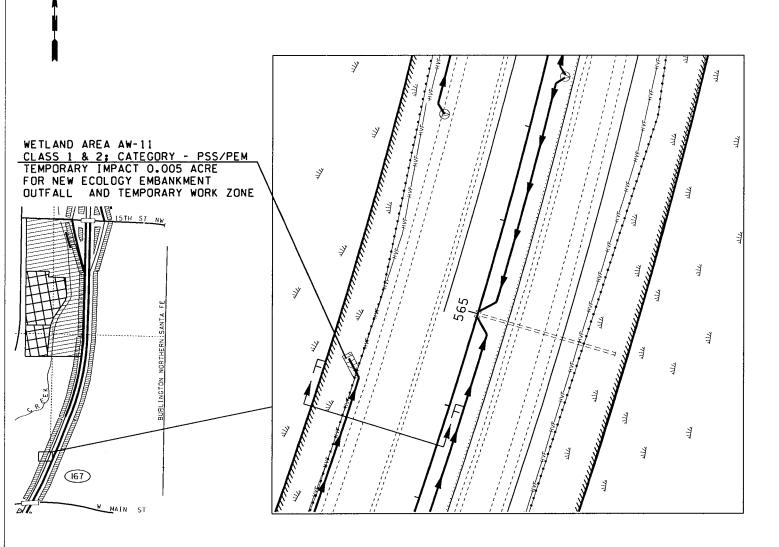
SHEET: 8 OF 32

122.2443

47.3607

LAT | TUDE :

SR167 MAINLINE SOUTHBOUND T.21N., R.4E., W.M.





WE TL AND

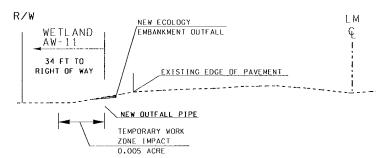
ECOLOGY EMBANKMENT

50 100 SCALE IN FEET

LONGITUDE: 122.2483 LATITUDE: 47.3103

NOTE: WETLAND AW-11 EXTENDS BEYOND WSDOT RIGHT OF WAY.

SECTION F-F WETLAND AREA AW-11 STA. LM 564+00



Purpose: Datum:

Adj. Property Owners:

Increased Highway Capacity and Treat Highway Runoff

NGVD 1929

- NEW OUTFALL PIPE

---- EXISTING GROUND

DRAWING SCALE =20:1

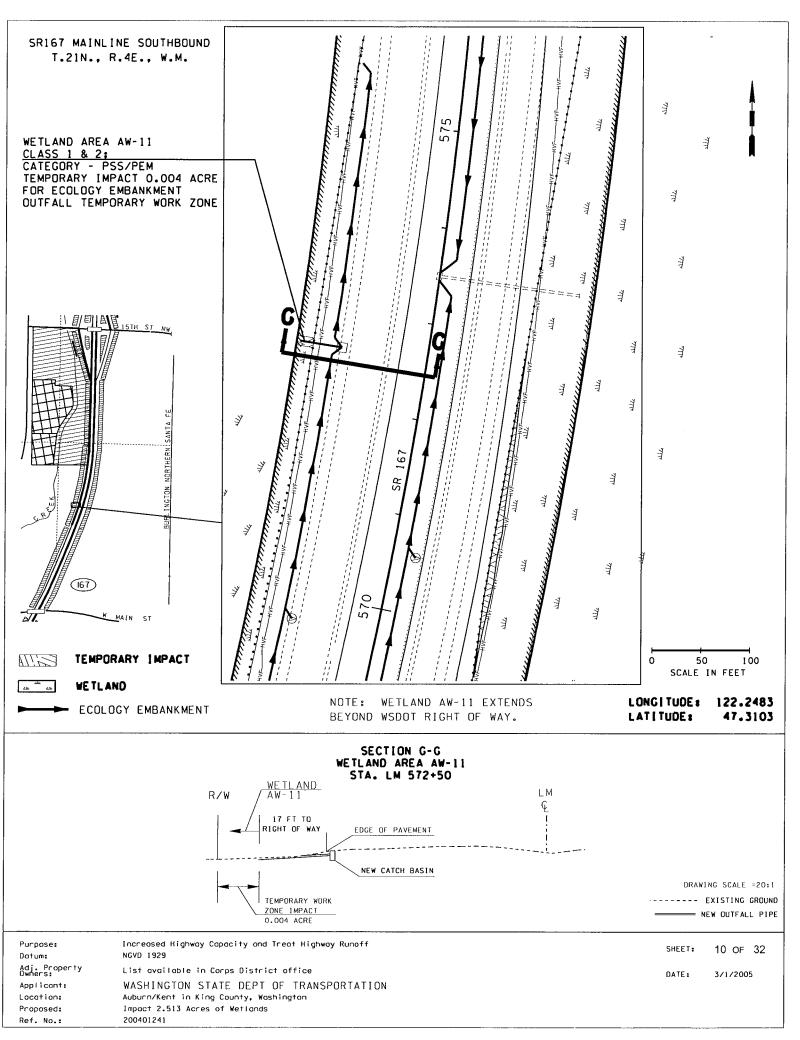
List available in Corps District office

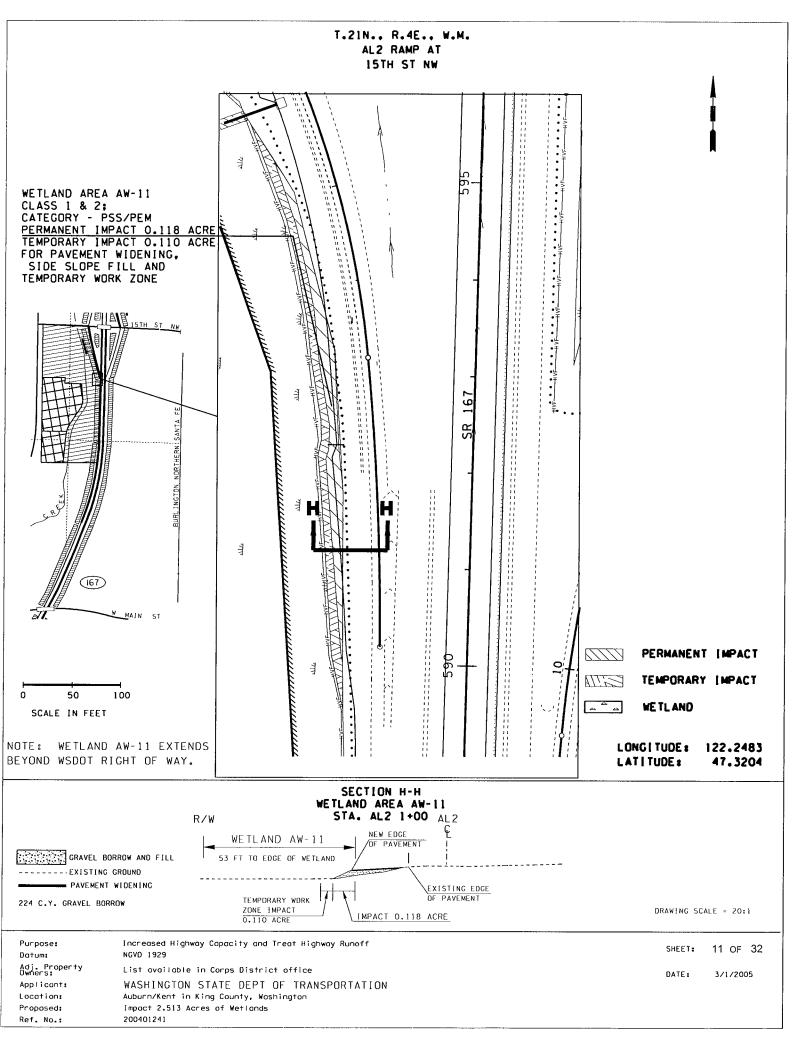
WASHINGTON STATE DEPT OF TRANSPORTATION Applicant: Location: Auburn/Kent in King County, Washington

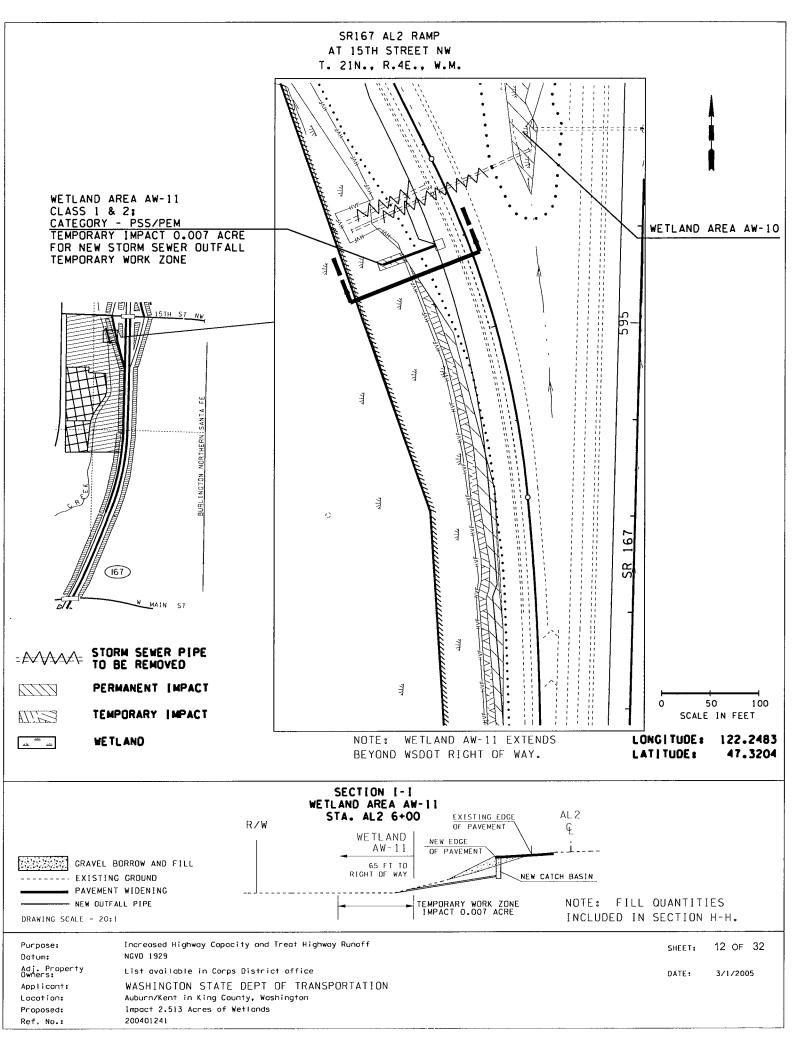
Proposed: 200401241 Ref. No.:

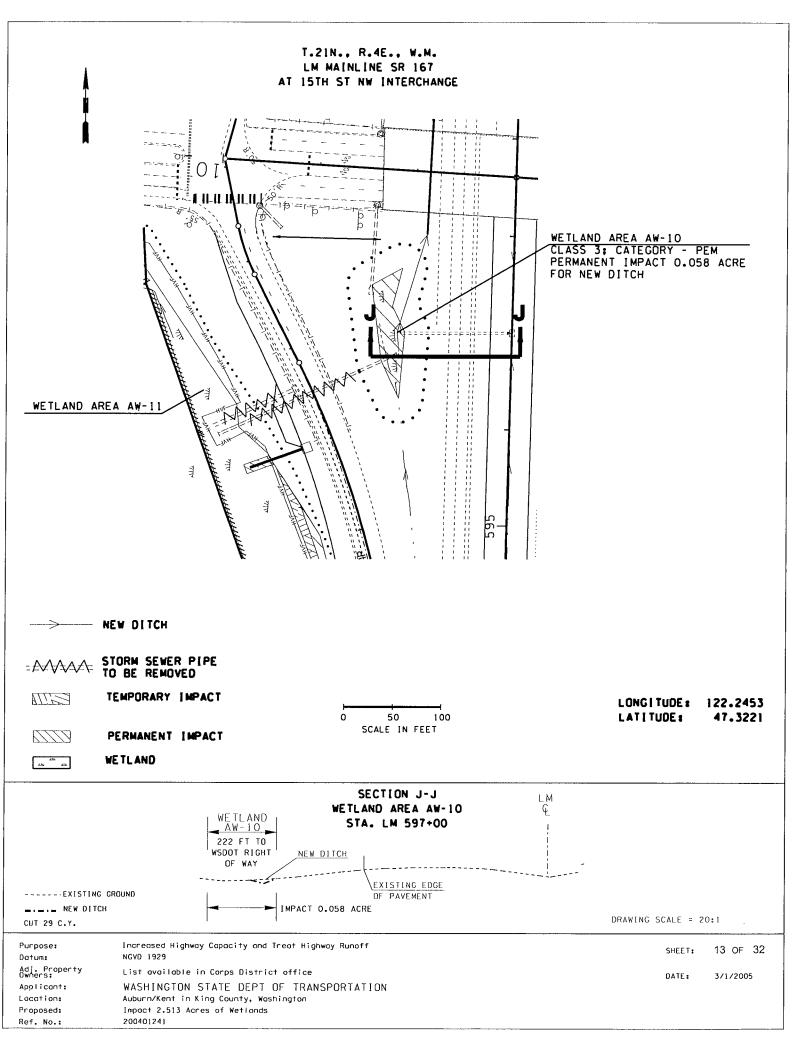
Impact 2.513 Acres of Wetlands

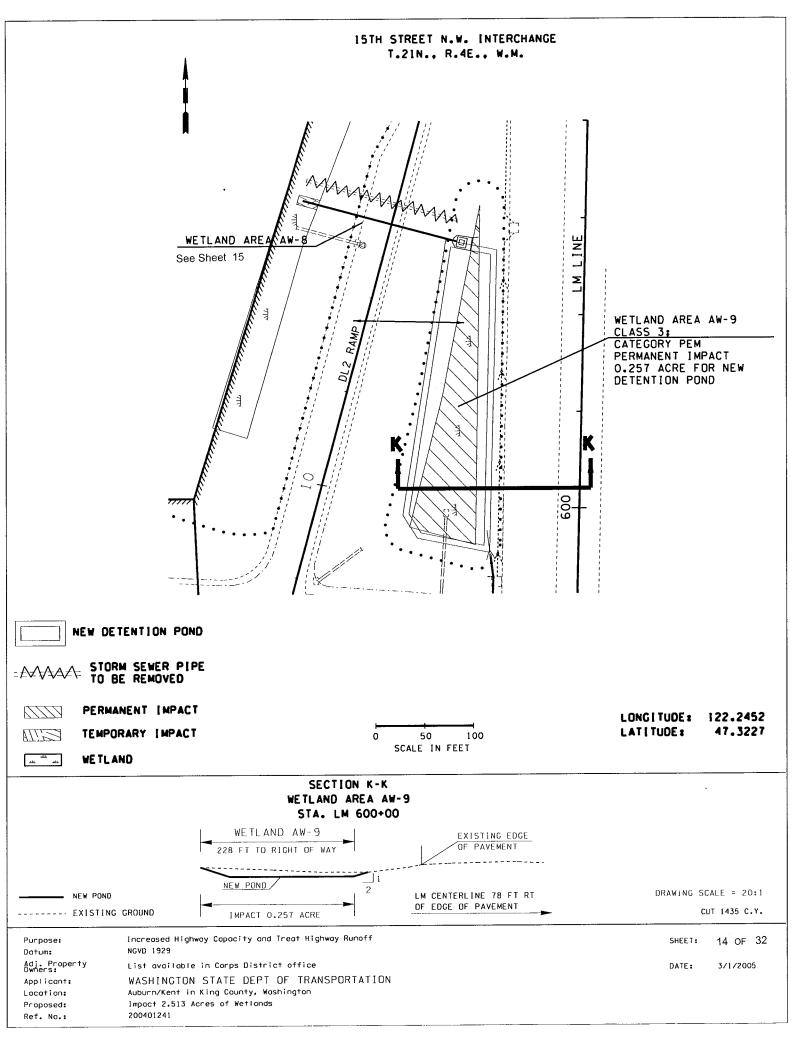
9 OF 32 SHEET:

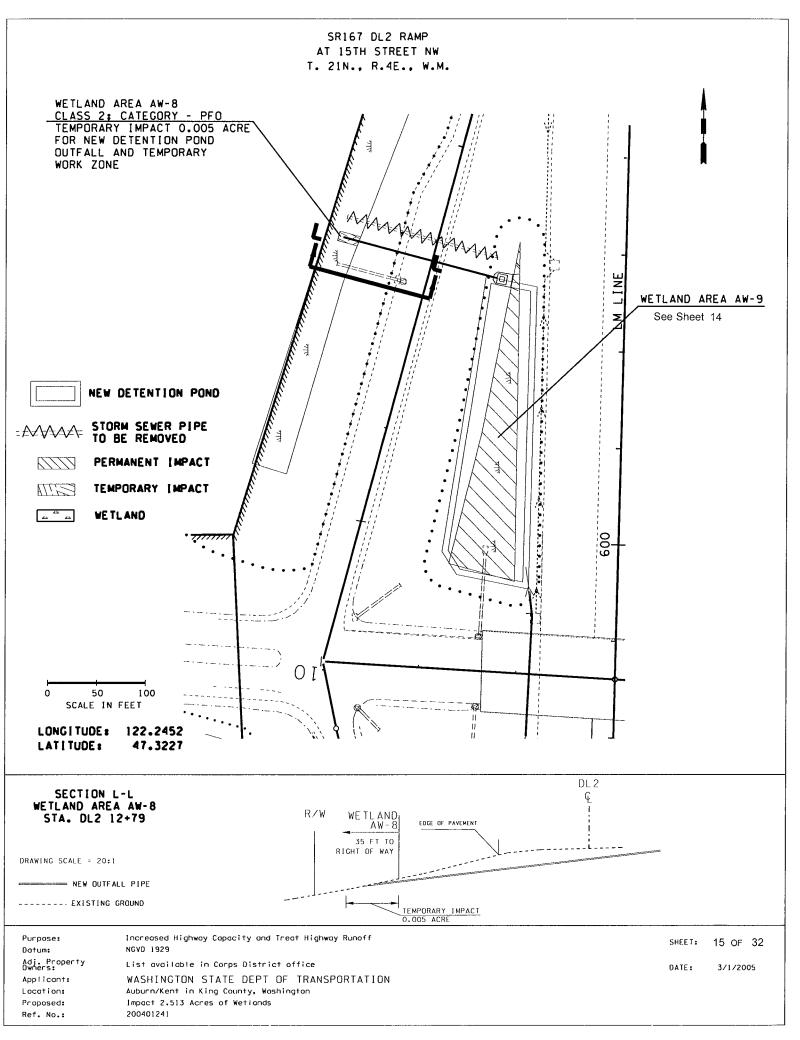




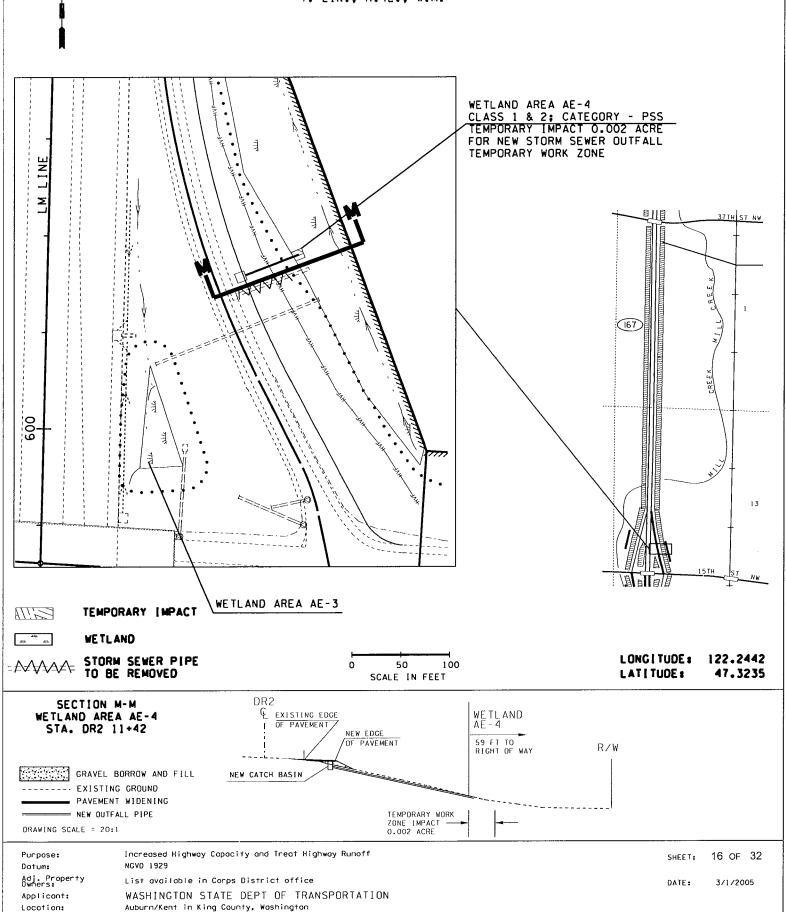








SR167 DR2 RAMP AT 15TH STREET NW T. 21N., R.4E., W.M.

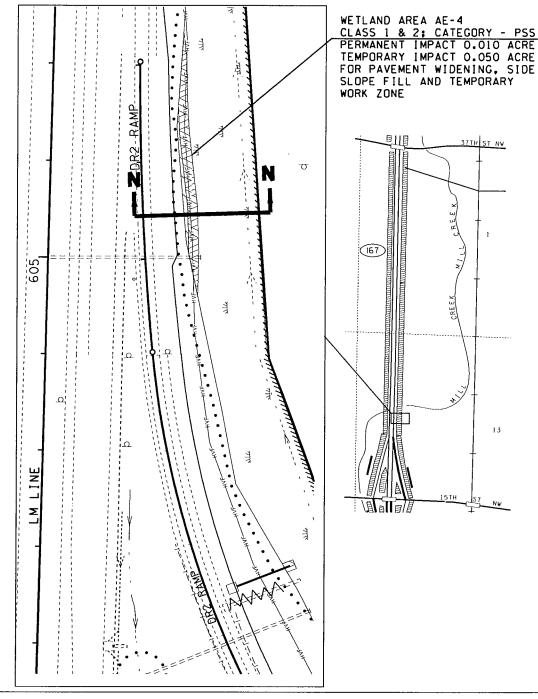


Impact 2.513 Acres of Wetlands

200401241

Proposed: Ref. No.:

SR167 DR2 RAMP AT 15TH STREET NW T. 21N., R.4E., W.M.



STORM SEWER PIPE TO BE REMOVED PERMANENT IMPACT TEMPORARY IMPACT WE TLAND 100 50

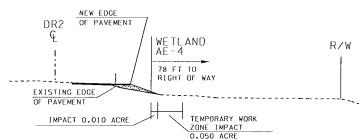
LONGITUDE: 122.2442 LATITUDE: 47.3235

SCALE IN FEET

SECTION N-N WETLAND AREA AE-4 STA. DR2 16+00

GRAVEL BORROW AND FILL ---- EXISTING GROUND PAVEMENT WIDENING

6 C.Y. GRAVEL BORROW DRAWING SCALE = 20:1



Purpose: Datum:

Adj. Property Owners:

Increased Highway Capacity and Treat Highway Runoff

Applicant: Auburn/Kent in King County, Washington Location:

Proposed: Impact 2.513 Acres of Wetlands

Ref. No.: 200401241

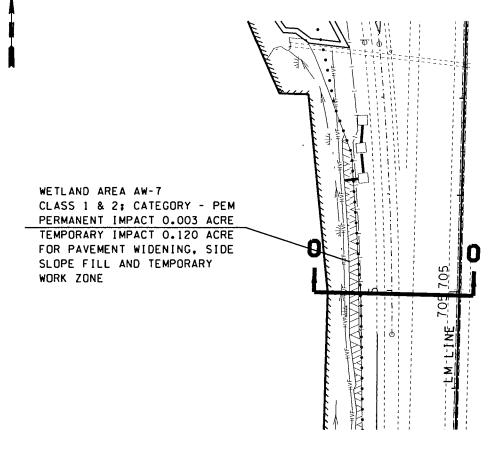
NGVD 1929

List available in Corps District office

WASHINGTON STATE DEPT OF TRANSPORTATION

SHEET: 17 OF 32

S. 277TH ST. INTERCHANGE T.22N., R.4E., W.M.



PERMANENT IMPACT

TEMPORARY IMPACT

WE TL AND

50 100 SCALE IN FEET

LONGITUDE: 122.2452 LATITUDE: 47.3520

SECTION 0-0 WETLAND AREA AW-7 STA. LM 705+00



GRAVEL BORROW AND FILL

----- EXISTING GROUND PAVEMENT WIDENING

R/W NEW EDGE WETLAND AW-7 OF PAVEMENT 32 FT TO WSDOT RIGHT OF WAY EXISTING EDGE TEMPORARY WORK IMPACT 0.003 ACRE ZONE IMPACT 0.120 ACRE

10 C.Y. GRAVEL BORROW

DRAWING SCALE = 20:1

SHEET:

DATE:

Purpose: Datum:

Proposed: Ref. No.:

List available in Corps District office

Adj. Property Owners:

Applicant: Location:

WASHINGTON STATE DEPT OF TRANSPORTATION

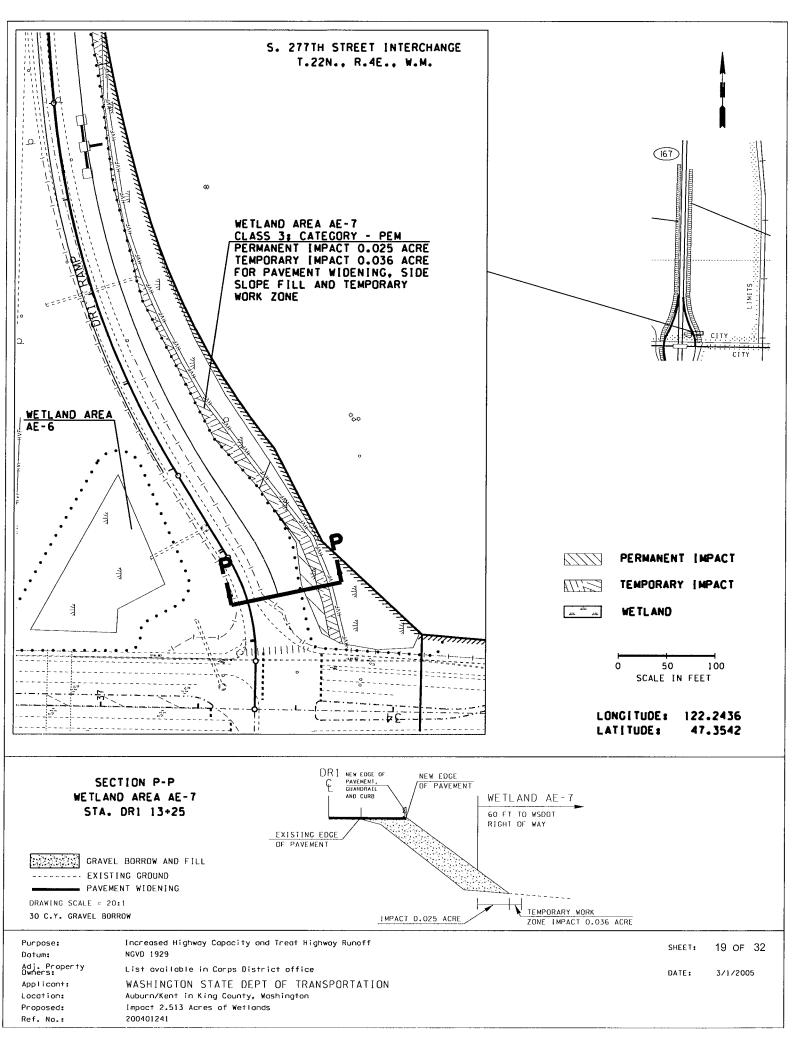
Increased Highway Capacity and Treat Highway Runoff

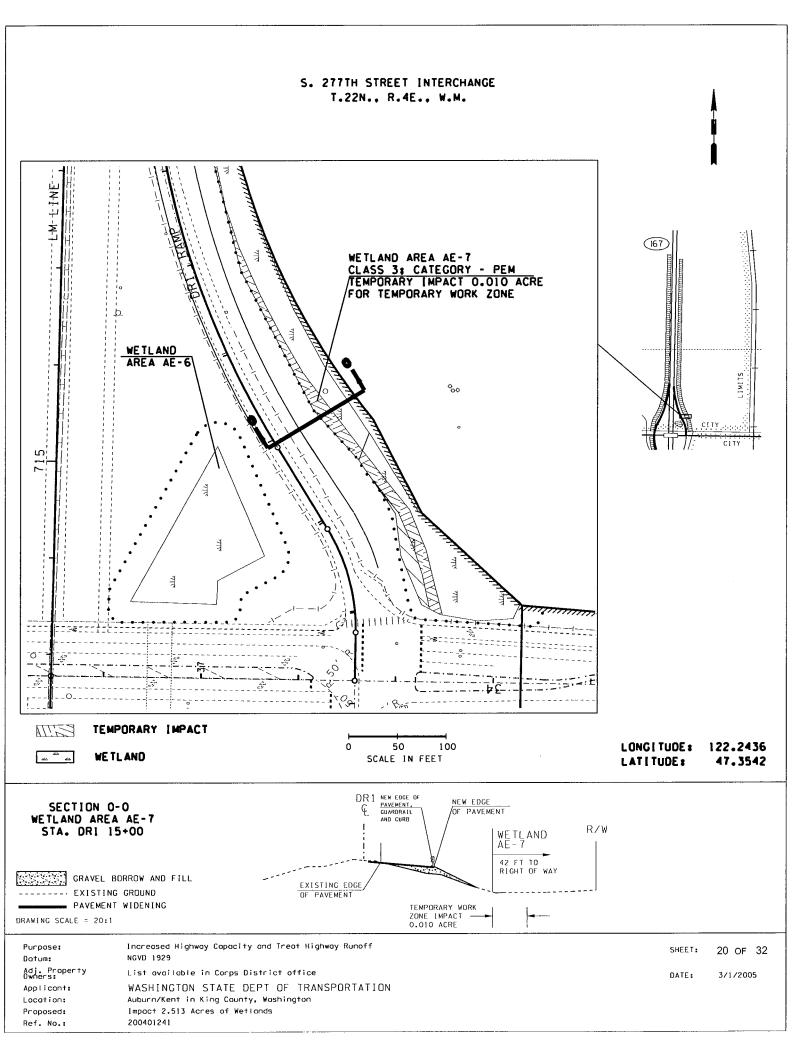
Auburn/Kent in King County, Woshington

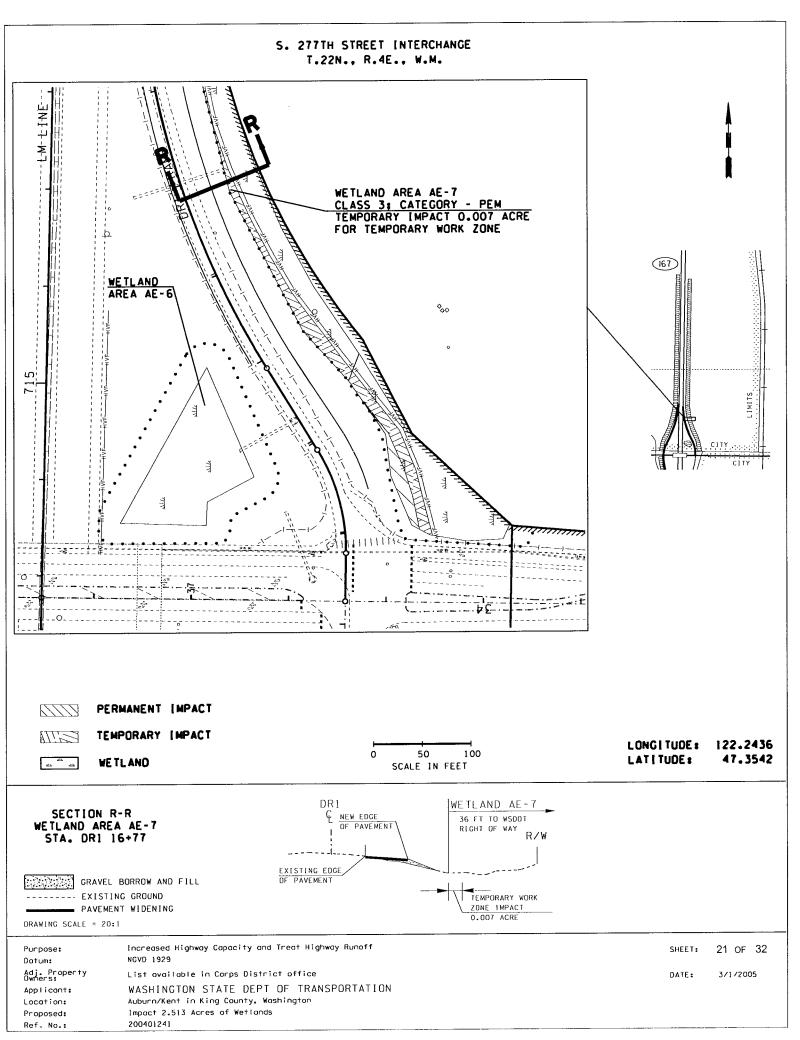
Impact 2.513 Acres of Wetlands 200401241

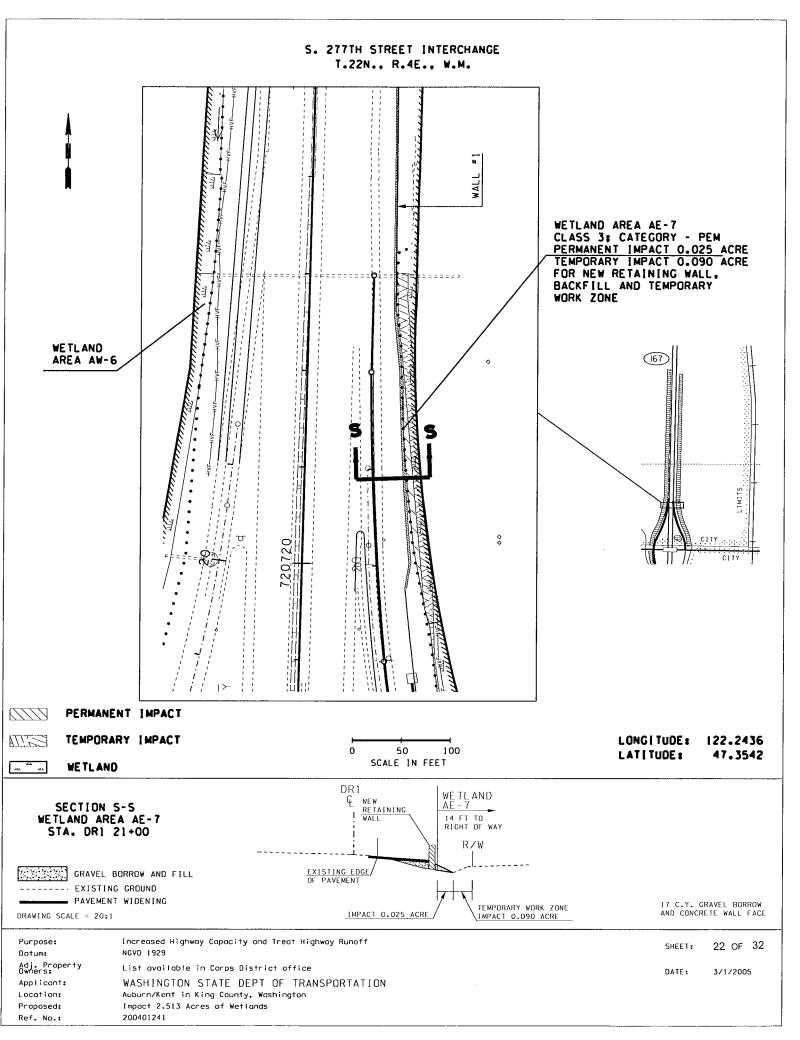
18 OF 32

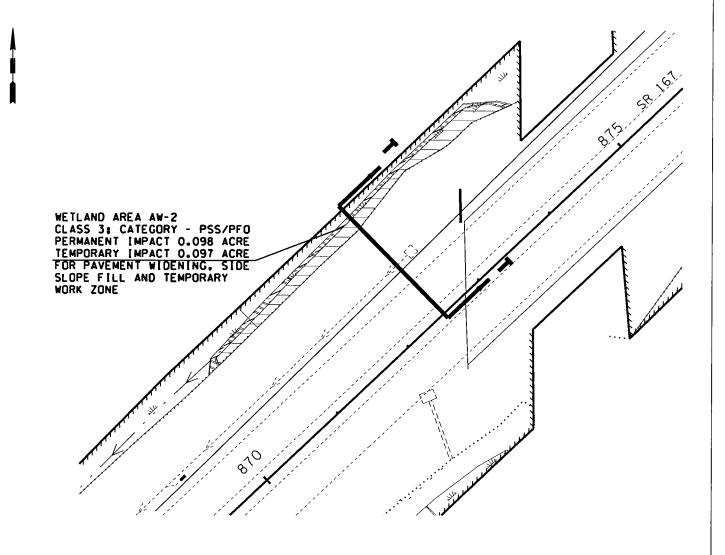
3/1/2005













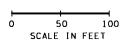
PERMANENT IMPACT



TEMPORARY [MPACT



WE TL AND



LONG! TUDE : 122.2336 LATITUDE: 47.3951



NEW EDGE OF PAYEMENT, GUARDRAIL AND CURB AW-2 EXISTING EDCE OF PAVEMENT 13 FT TO WSDOT RIGHT OF WAY IMPACT 0.098 ACRE TEMPORARY WORK ZONE IMPACT 0.097 ACRE

GRAVEL BORROW AND FILL -- EXISTING GROUND - PAVEMENT WIDENING

DRAWING SCALE = 20:1

LM

Purpose:

200 C.Y. GRAVEL BORROW

Increased Highway Capacity and Treat Highway Runoff

WASHINGTON STATE DEPT OF TRANSPORTATION

NGVD 1929

List available in Corps District office

Applicant: Location:

Datum: Adj. Property Owners:

Auburn/Kent in King County, Washington

Proposed:

Impact 2.513 Acres of Wetlands

Ref. No.: 200401241

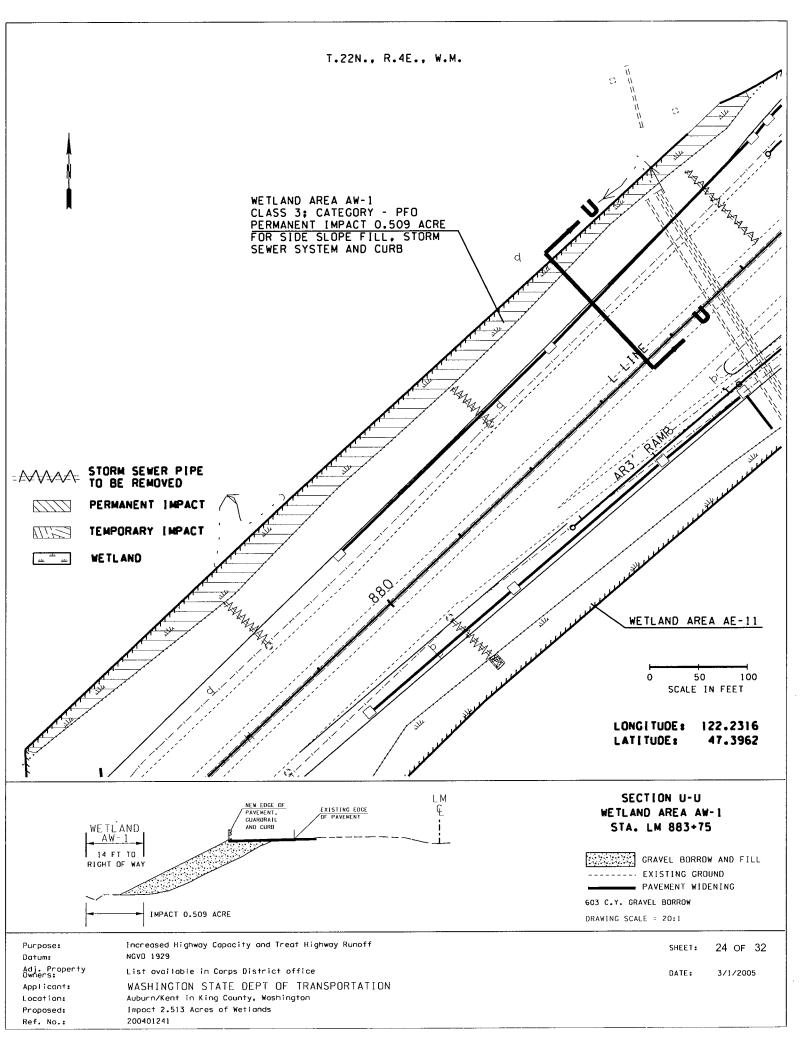
WETLAND

SHEET:

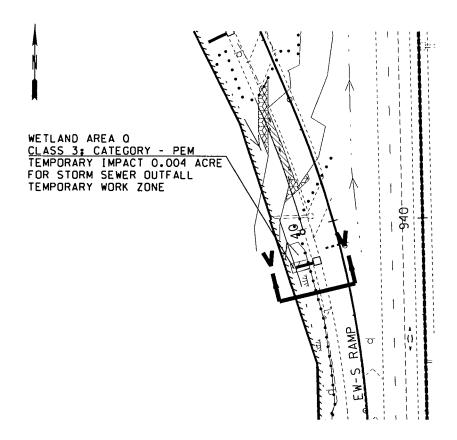
23 OF 32

DATE:

3/1/2005



SR 167 AT S. 212TH INTERCHANGE T.22N., R.4E., W.M.



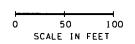
PERMANENT STREAM IMPACT

TEMPORARY STREAM BUFFER IMPACT

ATTA

TEMPORARY IMPACT

314 314 314 314 WE TLAND



LONGITUDE: 122.2209 LATITUDE: 47.4102

SECTION V-V WETLAND AREA O STA. EW-S 39+62

new Storm Sewer PIPE
EXISTING GROUND
PAVEMENT WIDENING

WETLAND O

24 FT TO
RIGHT OF WAY

R/W

EDGE OF PAVEMENT

TEMPORARY WORK
ZONE IMPACT
0.004 ACRE

DRAWING SCALE = 20:1

Purpose:

Datum:

Adj. Property Owners: Applicant: Location: Increased Highway Capacity and Treat Highway Runoff NGVD 1929

NGVD 1929

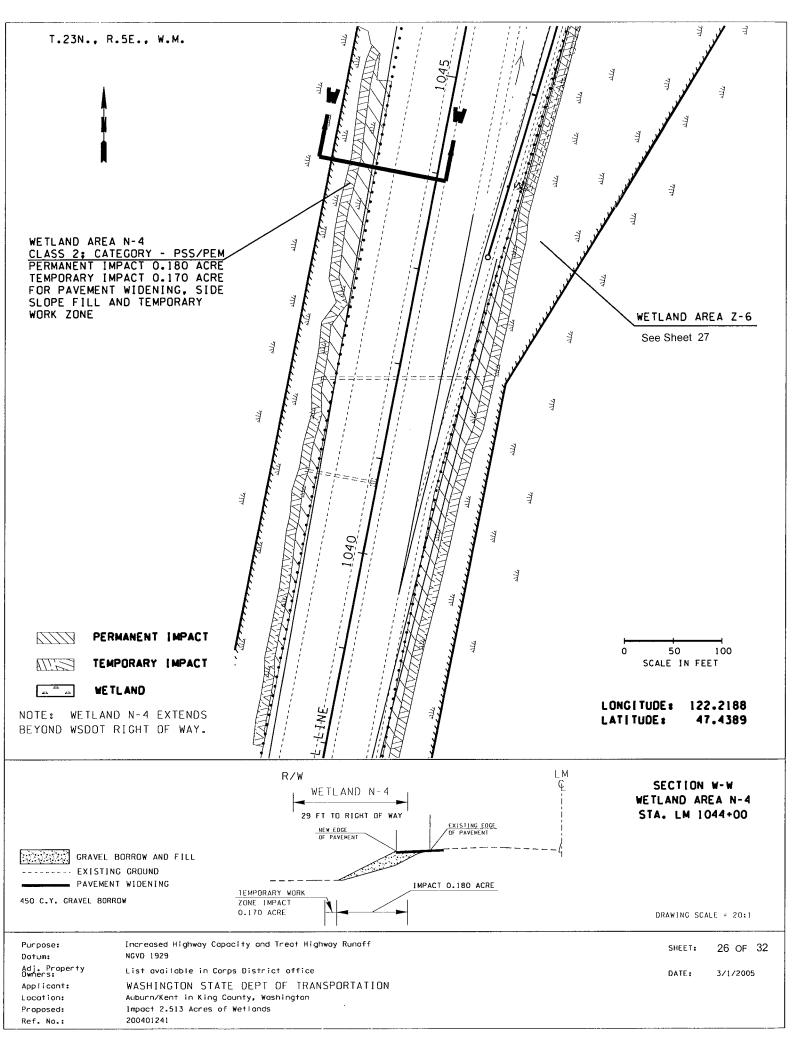
List available in Corps District office

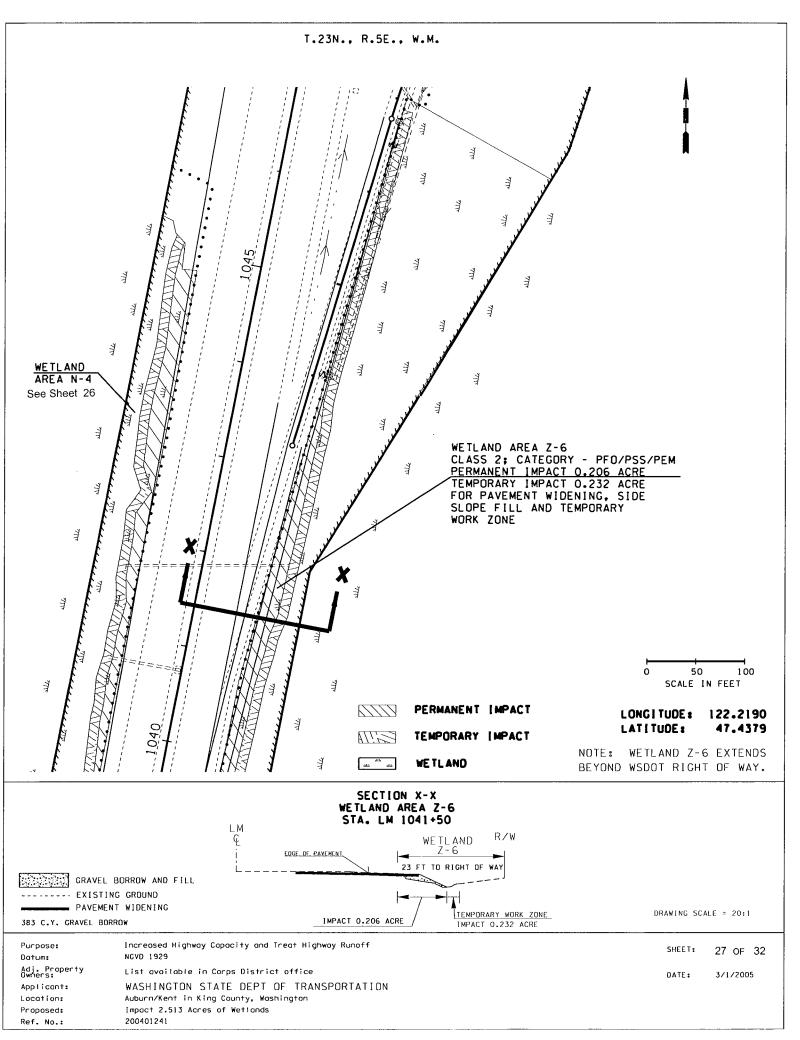
WASHINGTON STATE DEPT OF TRANSPORTATION

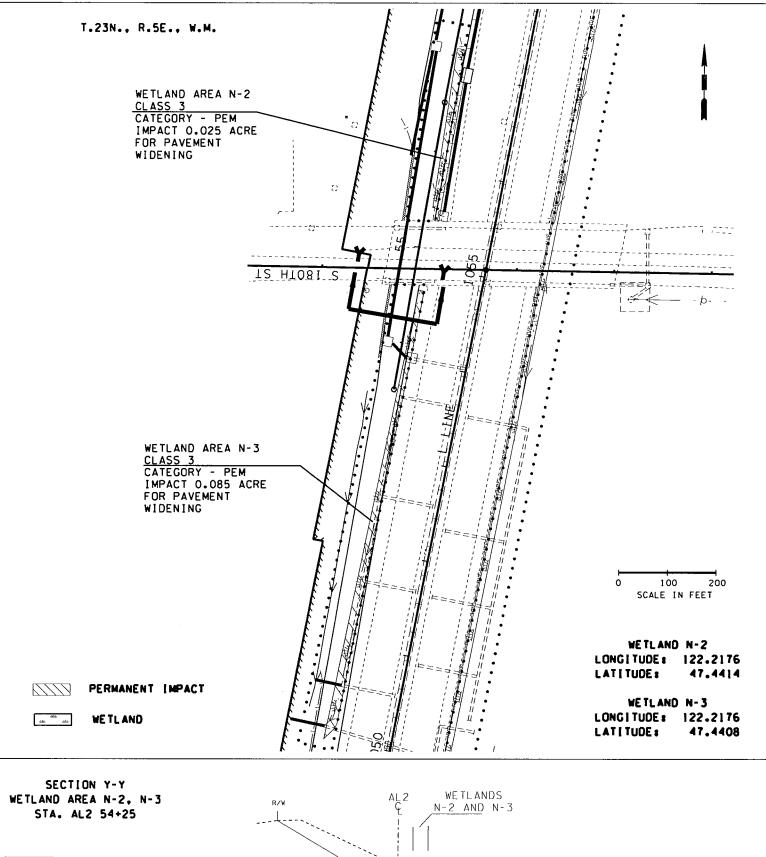
Auburn/Kent in King County, Washington Impact 2.513 Acres of Wetlands

Proposed: Impact 2.5
Ref. No.: 200401241

SHEET: 25 OF 32

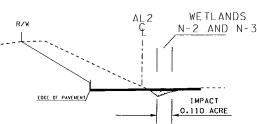






GRAVEL BORROW AND FILL

-- EXISTING GROUND PAVEMENT WIDENING



CUT 14 C.Y. 28 C.Y. GRAVEL BORROW

DRAWING SCALE = 20:1

Purpose: Datum:

Applicant: Location:

Adj. Property Owners:

NGVD 1929

List available in Corps District office

WASHINGTON STATE DEPT OF TRANSPORTATION

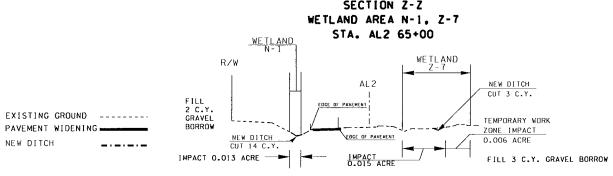
Increased Highway Capacity and Treat Highway Runoff

Auburn/Kent in King County, Washington Impact 2.513 Acres of Wetlands

Proposed: 200401241 Ref. No.:

SHEET: 28 OF 32

S. 180TH ST. AL2 RAMP T.21N., R.4E., W.M. WETLAND AREA Z-7 CLASS 3: CATEGORY - PEM PERMANENT IMPACT 0.015 ACRE
TEMPORARY IMPACT 0.006 ACRE FOR ECOLOGY DITCH AND TEMPORARY WORK ZONE WETLAND AREA N-1 CLASS 3; CATEGORY - PEM
PERMANENT IMPACT 0.013 ACRE
FOR NEW DITCH WE TL AND NEW DITCH PERMANENT IMPACT LONG! TUDE : 122.2179 TEMPORARY IMPACT 50 LATITUDE: 47.4437 100 SCALE IN FEET ECOLOGY DITCH SECTION Z-Z WETLAND AREA N-1. Z-7 STA. AL2 65+00 WETLAND N-1 WE TL AND R/W AL2 NEW DITCH CUT 3 C.Y. EDGE OF PAVEMENT



DRAWING SCALE = 20:1

Purpose: Datum: Adj. Property Owners: Increased Highway Capacity and Treat Highway Runoff

NGVD 1929

List available in Corps District office

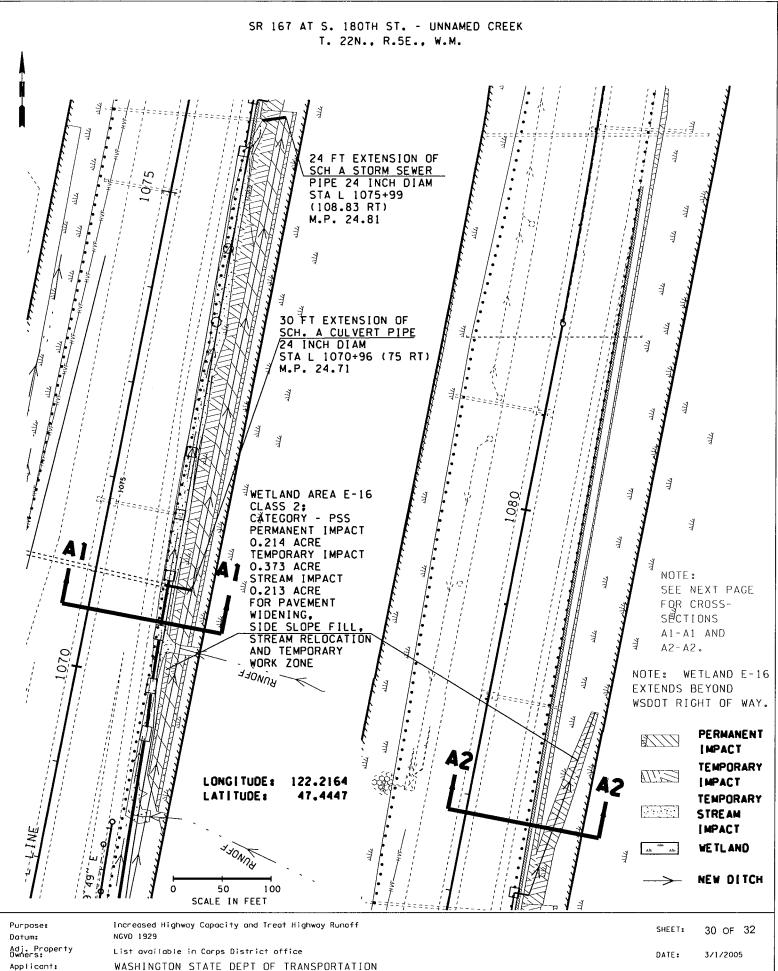
Applicant: Location:

WASHINGTON STATE DEPT OF TRANSPORTATION

Auburn/Kent in King County, Washington

Proposed: Impact 2.513 Acres of Wetlands

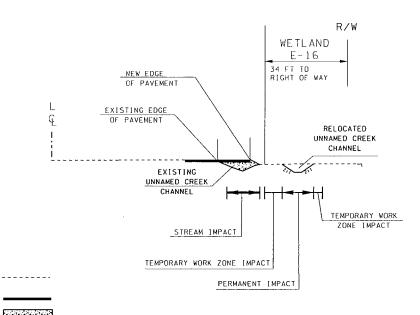
Ref. No.: 200401241 SHEET: 29 OF 32



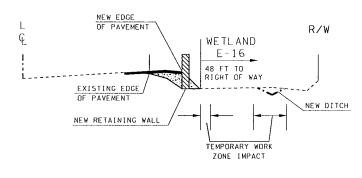
Location: Auburn/Kent in King County, Washington Impact 2.513 Acres of Wetlands

Proposed: 200401241 Ref. No.:

SECTION A1-A1 WETLAND AREA E-16 STA. L 1070+50



SECTION A2-A2 WETLAND AREA E-16 STA. L 1077+50



EXISTING GROUND

PAVEMENT WIDENING GRAVEL BORROW AND FILL

GRAVEL BORROW AND FILL

EXISTING GROUND PAVEMENT WIDENING

NEW DITCH

DRAWING SCALE = 20:1

DRAWING SCALE = 20:1

WETLAND E-16 IMPACT TOTALS

PERMANENT IMPACT 0.214 ACRE TEMPORARY IMPACT 0.373 ACRE

STREAM IMPACT 755 LF = 0.213 ACRE

100 C.Y. CUT (DITCH AND STREAM RE-LOCATION)

Purpose: Datum:

Adj. Property Owners:

Increased Highway Capacity and Treat Highway Runoff NGVD 1929

List available in Corps District office

Applicant:

Location: Proposed:

200401241 Ref. No.:

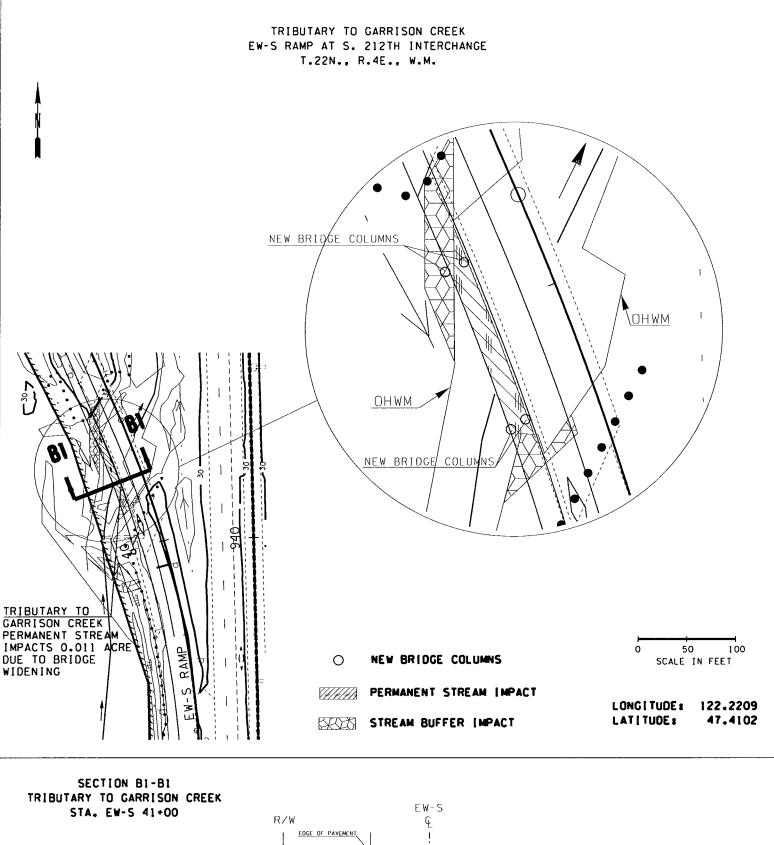
WASHINGTON STATE DEPT OF TRANSPORTATION Auburn/Kent in King County, Washington

Impact 2.513 Acres of Wetlands

DATE: 3/1/2005

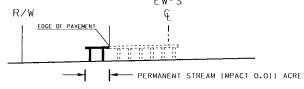
31 OF 32

SHEET:





..... EXISTING BRIDGE BRIDGE WIDENING



DRAWING SCALE = 20:1

.238 C.Y. CONCRETE PIERS

Purpose: Datum: Adj. Property Owners: Increased Highway Capacity and Treat Highway Runoff NGVD 1929

List available in Corps District office

Applicant: Location: Auburn/Kent in King County, Washington

Proposed: Ref. No.: WASHINGTON STATE DEPT OF TRANSPORTATION

Impact 2.513 Acres of Wetlands 200401241

32 OF 32 SHEET:



STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600 (360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: May 25, 2005

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200401241 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is herby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator Department of Ecology SEA Program Post Office Box 47600 Olympia, Washington 98504-7600